UNITED NATIONS **S**

Security Council

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S/1999/444
20 April 1999

ORIGINAL: ENGLISH

LETTER DATED 20 APRIL 1999 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions of my Government I should like to inform you that approximately 200 to 300 soldiers of the Army of the Federal Republic of Yugoslavia have today entered the demilitarized zone established pursuant to an agreement between the Republic of Croatia and the Federal Republic of Yugoslavia dated 15 September 1992, confirmed in Security Council resolution 779 (1992). The violation in the demilitarized zone occurred in the area of the access road to the border crossing points opened in agreement with the Montenegrin authorities.

This act violates the agreement between the two States and the relevant Security Council resolutions. Furthermore, in effect it nullifies progress hitherto achieved in establishing and maintaining security and stability in the area of Prevlaka.

We recall that the Secretary-General in his report (S/1999/404) stated that the opening of the border crossing point at Debeli Brijeg "was welcomed by the Security Council in resolution 1222 (1999) as a significant confidence-building measure in the normalization of relations between the two parties ...".

In this particular situation the blocking of traffic through the border crossing point at Debeli Brijeg may deal a heavy blow to ongoing international efforts to provide humanitarian assistance to the displaced population of Kosovo.

The Republic of Croatia calls upon the Federal Republic of Yugoslavia to immediately withdraw its forces from the demilitarized zone and the Security Council to ensure strict compliance with its resolutions pertaining to the Prevlaka issue.

I should like to request your assistance in circulating the present letter as a document of the Security Council.

(Signed) Ivan ŠIMONOVIĆ
Permanent Representative

99-11297 (E) 200499

UNITED NATIONS **S**

Security Council

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S/1999/445
20 April 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 19 APRIL 1999 FROM THE PERMANENT REPRESENTATIVE OF TOGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In my capacity as Representative of the current Chairman of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS), I have the honour to transmit to you herewith the text of the Agreement defining the operations, composition and status of ECOMOG on the territory of the Republic of Guinea-Bissau (see annex).

I should be grateful if you would have the text of this letter and its annex distributed as a document of the Security Council.

(Signed) Roland Y. KPOTSRA

99-11309 (E) 210499 220499

/...

Annex

[Original: English and French]

AGREEMENT

DEFINING THE OPERATIONS, COMPOSITION AND STATUS OF ECOMOG ON THE TERRITORY OF THE REPUBLIC OF GUINEA BISSAU

BETWEEN

THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

AND

THE REPUBLIC OF GUINEA BISSAU

This agreement defining the operations, composition and status of ECOMOG on the territory of Guinea Bissau is made and entered into this 22nd day of march A.D. 1999

Between

The Economic Community of West African States, represented by and through its Executive Secretary, Mr. Lansana Kouyate, hereinafter known and referred to as "ECOWAS" of the one part,

And

The Republic of Guinea Bissau, represented by Mr. Joao Gomes Cardoso and Lieutenant Colonel Emilio Costa acting respectively on behalf of the two parties in conflict, signatories to the Praia Accord of 26 August 1998 and the Abuja Agreement of 1 November 1998, and the Supplementary Protocol of 15 December 1998 hereinafter referred to as Guinea Bissau, of the other part;

WHEREAS the crisis which erupted at dawn on 7 June 1998 has resulted in massive destruction of lives and property, and has caused massive displacement of populations within Guinea Bissau and into neighbouring countries;

AWARE that the crisis in Guinea Bissau has its origins in endogenous and exogenous factors;

CONVINCED that any solution which fails to take account of these factors and notably the sub-regional dimension to the conflict cannot be durable and definitive;

AWARE ALSO of the need to establish in Guinea Bissau a climate of stability and security without which the integration of the sub-region cannot be realised;

WELCOMING the joint mediation of the Economic Community of West African States and the Community of Portuguese-speaking Countries undertaken at the instance of ECOWAS, and which brought about the signing of a Ceasefire Agreement by the warring parties in Praia on 26 August 1998;

WELCOMING ALSO the signing by both parties in Abuja on 1 November 1998 of an Accord setting out the conditions for the return of definitive and durable peace to Guinea Bissau, and providing for the intervention of ECOMOG as an interposition force;

AWARE of the enormous commitment and the sustained efforts exerted by the Economic Community of West African States (ECOWAS) towards the peaceful resolution of the conflict in Guinea Bissau, and its desire to ensure that the country returns to normal life immediately after elections and the installation of an elected government;

RECOGNISING the need to define clearly the mandate and mission of ECOMOG, to take account of its international composition, to specify its privileges and immunity, to provide it with adequate protection and to guarantee its members the freedom vital to the accomplishment of their mission;

DESIRING to this end to put in place an appropriate legal framework;

NOW THEREFORE THE PARTIES HEREBY AGREE AS FOLLOWS:

ARTICLE I
DEFINITIONS

For the purpose of this Agreement, the following definitions shall apply:

1. "ECOMOG" or "The Group" means the ECOWAS Ceasefire Monitoring Group established pursuant to the ECOWAS Decison A/DEC. 1/8/90 of the Authority of Heads of State and Government of ECOWAS, to assist in the peace-keeping mission. ECOMOG consists of :

   (a) "Special Representative of the Chairman" appointed by the Chairman of the Authority of Heads of State and Government to exercise such powers and functions as are entrusted to him by the Authority, as is done at the present time, or

   (b) "Executive Secretary's Special Representative" appointed by the Executive Secretary of ECOWAS to exercise, under his authority, such powers and functions as are entrusted to him by the Authority, as envisaged in the ECOMOG regulation;

   (c) "The Force Commander" appointed as Chief of ECOMOG Operations by the Chairman of the Authority, or the Field Commander representing the Force Commander appointed by the current Chairman;

   (d) "Civilian Section" composed of ECOWAS officials and other persons assigned to assist any of the Special Representatives;

(e) "Military Section" composed of military or paramilitary personnel, but unless specifically stated otherwise, does not include service personnel assigned by the participating States to serve as part of ECOMOG.

2. "Member of ECOMOG" means any member of the military, paramilitary, or civilian section, but unless specifically stated otherwise, does not include service personnel.

3. "Participating State" means a member State that has contributed personnel to ECOMOG. A "Participating Government" is the government of a Participating State.

4. "Territory" means Guinea Bissau.

5. "Treaty" means the Revised Treaty of the Economic Community of West African States.

6. "Community" means the Economic Community of West African States whose establishment is reaffirmed pursuant to Article 2 of the Treaty.

7. "Chairman" or "Chairman of the Authority" means the current Chairman of the Authority of Heads of States and Government of the Community.

8. "Executive Secretary" means the Executive Secretary of the Community appointed under Article 18 of the Treaty.

9. "Special Representative" means, as the case may be, either the Special Representative of the Chairman, or the ECOWAS Executive Secretary's Special Representative.

10. "Praia Accord" means the peace agreement between the Government of Guinea Bissau and the Self-proclaimed Military Junta signed in Praia on 26 August 1998;

11. "Abuja Agreement" means the agreement between the Government of Guinea Bissau and the self-proclaimed Military Junta signed in Abuja on 1 November 1998;

12. "Supplementary Protocol" means the protocol between the Government of Guinea Bissau and the self-proclaimed Military junta signed in Lome on 15 December 1998;

13. "Convention" means the Convention on Privileges and Immunities of ECOWAS dated 22 April 1978;

14. "Service personnel" means locally recruited personnel working with ECOMOG who do not enjoy diplomatic immunities and tax exemption privileges.

15. "Government" means the Government of National Unity provided for in the Abuja Agreement of 1 November 1998.

ARTICLE II
EXTENSION OF ECOMOG SCOPE OF ACTIVITY

The Republic of Guinea Bissau reaffirms its acceptance of the extension of ECOMOG's scope of activity to its Territory.

ARTICLE III
APPLICATION OF THE AGREEMENT

Unless specifically provided otherwise, the provisions of this Agreement and any obligation undertaken by the Republic of Guinea Bissau or any privileges, immunity, facility or concession granted to ECOMOG or any member thereof, apply in the entire Territory.

ARTICLE IV
OPERATIONS

1) - MANDATE

ECOMOG shall monitor the ceasefire and put in place the conditions for a return to normal life, thus facilitating the holding of elections in Guinea Bissau.

2) - MISSIONS

As part of its peacekeeping mission, ECOMOG shall:

i) supervise observance of the ceasefire and, when necessary, report any violations observed;

ii) promote development of a climate of trust between the opposing parties;

iii) play the role of immediate conciliator between the parties in conflict. To this end, the Special Representative and the Force Commander shall take appropriate measures to ensure close collaboration at every level between said parties;

iv) assist the government to mobilise assistance from the international community, particularly the United Nations, in the detection of antipersonnel and antitank mines, and the demining of suspected mined areas;

v) act in collaboration with the government to enforce the ban on the movement of illicit arms, munitions and other war materials throughout the length and breadth of the Territory;

vi) provide security along the frontier between Guinea Bissau and Senegal;

vii) act as a buffer between the two parties until the arrival of a mixed commission comprising ECOMOG and the Guinea Bissau parties. The said Commission shall function until the reunification of the armed forces and police of Guinea Bissau. The mission of the mixed commission shall be set out by an ad hoc committee no later than 2 February 1999.

viii) in collaboration with the authorities, guarantee humanitarian organisations and agencies unfettered access to the affected civilian populations in the delivery of needed assistance;

ix) provide security for the Authorities and for diplomatic staff and, if so requested, for their families, and ensure safety of all public buildings;

x) organise elections, in collaboration with the government and the national elections commission, and if necessary, assure the safety of international observers, elections materials, polling areas, and the peaceful conduct of the elections.

3)- CONCEPT OF OPERATIONS

ECOMOG shall strive to return peace to the Territory and shall participate in the establishment of an environment conducive to the organisation of peaceful elections. To this effect, ECOMOG shall commence deployment of an advance team that will relieve the Guinean and Senegalese troops, with a view to the total withdrawal of those troops.

The Force Commander shall organise the deployment as dictated by the prevailing situation and in coordination with the military commanding officers of the two parties.

4)- SCHEDULE OF DISENGAGEMENT

From 3 February to 15 March 1999, the Joint Commission referred to in Article 4 paragraph 2(vii) shall carry out the demilitarisation of the city of Bissau by overseeing the return to barracks of the two warring parties, collection of arms, removal of battle lines and check points.

ECOMOG shall monitor adherence to the demilitarisation, including inside military barracks, and shall conduct patrols as appropriate in this regard.

In each region, joint sub-committees shall carry out the same tasks as are enumerated in sub-paragraph 1 under this paragraph.

All Guinean and Senegalese troops shall be withdrawn by 22 March, 1999.

5)- DURATION

The operations of ECOMOG shall cease, at the very latest, upon the installation of an elected government.

6)- EQUIPMENT

ECOMOG troops shall be adequately equipped to carry out their peace keeping mission. The type of arms they are issued shall depend on the number of troops to be deployed.

ARTICLE V
COMPOSITION OF ECOMOG

PARTICIPATING COUNTRIES

With the exception of Guinea and Senegal, all ECOWAS Member States wishing to do so may contribute troops to ECOMOG.

NUMBER OF TROOPS

The number of ECOMOG troops shall depend on its mandate and experience, the size of the Territory, the size of the population, the duration of the operations, the capacity of the contributing countries, the time it takes to restore mutual trust among the parties to the conflict, and how soon the Joint Commission referred to in Article 4 paragraph 2(vii) of this Agreement is established. The number shall also vary in line with the actions to be undertaken during the different phases of the operations, as stipulated in the paragraph on "Concept of Operations". Consequently, while the advance party shall be made up of 112 troops, the number shall rise to 600 at the total withdrawal of the Guinean and Senegalese troops, going up to 1 450 men if necessary.

ARTICLE VI
APPLICATION OF THE CONVENTION: PRIVILEGES & IMMUNITIES OF ECOMOG

1. The Convention shall apply to ECOMOG, subject to the special provisions specified in this Agreement.

2. Notwithstanding the application of the Convention, ECOMOG shall enjoy the most favourable of any privilege, immunity, facility or concession granted under the Convention as may be applicable to the parties concerned and the subject matter under consideration.

3. ECOMOG as a subsidiary organ of ECOWAS, enjoys the status, privileges and immunities of ECOWAS in accordance with the Convention and as provided for in the present Agreement.

The provision of Article 3 of the Convention shall also apply to the property, funds, and assets of Participating States used in the Territory in connection with the national contingents serving in ECOMOG operations, as provided for in Article III of the present Agreement. The Republic of Guinea Bissau recognises the right of the ECOMOG in particular:

(a) To import, free of duty and taxes, equipment, provisions, supplies and other goods which are for the exclusive and official use of the ECOMOG operations or for resale in any of its commissaries.

(b) To establish, maintain and operate commissaries at its headquarters, camps and posts for the benefit of the members of the ECOMOG operations, but not of service personnel.

(c) To clear ex-customs and excise warehouse, free of duty and taxes, equipment, provisions, supplies and other goods which are for the exclusive use of the ECOMOG operationns or for resale in the commissaries provided for above.

(d) To re-export or otherwise dispose of such equipment free of duty and taxes, and all provisions, supplies and other goods so imported or cleared ex-customs and excise warehouse;

To ensure that such importation, clearance, transfer or exportation may be effected with the least possible delay, a mutually satisfactory procedure, including documentation, shall be agreed between ECOMOG and the Republic of Guinea Bissau.

4. The Special Representative, the Force Commander and such other senior officials as the Special Representative or the Force Commander may designate shall be entitled to diplomatic privileges, immunities and facilities in accordance with the provisions of the Convention.

5. Military personnel assigned to the military section of ECOMOG shall have the privileges and immunities specifically provided for in this Agreement.

6. Members of the ECOWAS assigned to the civilian section remain officials of their respective Organisations are entitled to the privileges and immunities provided by the Convention.

7. Other persons assigned to the Civilian section of ECOMOG as well as civilian personnel assigned to the military section whose names are for the purpose notified to the Republic of Guinea Bissau by any of the Special Representatives, shall be considered as experts on mission, within the meaning of the Convention.

8. Service personnel of ECOMOG shall not enjoy diplomatic immunities and tax exemptions. The Republic of Guinea Bissau agrees to inform the Special Representative or the

Force Commander of any incident concerning a service personnel.

ARTICLE VII
STATUS OF ECOMOG

1. Recognising the sovereignty of Guinea Bissau, members of ECOMOG shall refrain from any activity incompatible with the impartial and international nature of their duties or inconsistent with the spirit of the present arrangements. They shall respect all local laws and regulations.

2. Without limiting the generality of paragraph 1 above, members of ECOMOG shall:

(i) refrain from any involvement in private civil disputes between citizens of Guinea Bissau;

(ii) not engage in any commercial business activity within the Territory.

The Special Representative and the Force Commander shall take all appropriate measures to ensure the observance of these obligations.

3. ECOMOG shall collaborate with the Republic of Guinea Bissau in the implementation of its mandate in line with the Praia Accord and the Abuja Agreement, the Lome Supplementary Protocol, and all other relevant Accords to be entered into in the quest for a peaceful, speedy and lasting solution to the Guinea Bissau crisis.

The above notwithstanding, nothing in this Agreement shall be interpreted to mean that the ECOMOG Operations, the Special Representative, the Force Commander or any

member of ECOMOG shall be under the control or authority of the Republic of Guinea Bissau. They are under the command and authority of the ECOWAS Authority of Heads of State and Government.

4. The Republic of Guinea Bissau undertakes to respect the exclusively international nature of ECOMOG.

Taxation

5. Members of ECOMOG shall be exempted from taxation on the pay and emoluments received from a Participating State, from donors or from any other source. They shall also be exempted from all other direct taxes and from all registration fees and charges.

Customs and fiscal regulations

6. Members of ECOMOG shall have the right to import free of duty their personal effects in connection with their arrival in the Territory. Special arrangements between the Force Commander and the authorities of Guinea Bissau shall be made for the implementation of the foregoing provisions in the interests of the Government and of the members of ECOMOG. The Force Commander shall take all necessary measures to prevent any abuse of the exemption and to prevent the sale or resale of such goods to persons other than members of ECOMOG.

7. Special facilities for entry or exit shall be granted by the immigration authority of Guinea Bissau to regularly constituted units of ECOMOG, provided that the authorities concerned have been duly notified. On their departure from the Territory, members of ECOMOG may take with them

such funds as the Special Representative or the Force Commander certifies were received from ECOMOG.

Entry, Residence and Departure

8. The Special Representative, the Force Commander and members of ECOMOG, shall, wherever so required, have the right to enter into, reside in and depart from the Territory.

9. The Republic of Guinea Bissau undertakes to facilitate the entry into and departure from the Territory of the Special Representative, the Force Commander and members of ECOMOG. ECOMOG undertakes to keep the Republic of Guinea Bissau informed of such movements.

For that purpose, the Special Representative, the Force Commander and members of ECOMOG shall be exempt from passport and visa regulations and immigration inspection, and restrictions on entering into or departing from the Territory. They shall also be exempted from any regulations governing the residence of aliens in the Territory including registration, but shall not be considered as acquiring the right to permanent residence or domicile in Guinea Bissau.

10. For the purpose of such entry or departure, members of ECOMOG shall only be required to have:

(a) an individual or collective movement order issued by or under the authority of the Special Representative or the Force Commander or any appropriate authority of a Participating State; and

(b) a personal identity card issued in accordance with Article VII paragraph 11 of the present Agreement, except in the case of first entry, when the personal identity card issued by the appropriate authorities of a Participating State shall be accepted in lieu of the said identity card.

11. The Special Representative or the Force Commander shall issue to each member of ECOMOG before or as soon as possible after such member's first entry into the Territory, as well as to all service personnel, a numbered ECOMOG identity card, which shall show full name, date of birth, title or rank, service (if appropriate) and photograph. Except as provided in Article V, paragraph 10 of this Agreement, such identity card shall be the only document required of a member of ECOMOG.

12. Members of ECOMOG as well as service personnel shall be required to present, but not to surrender, their ECOMOG identity card upon demand by any such official of the Republic of Guinea Bissau.

13 If a member of ECOMOG leaves the service of the Participating State to which he belongs and is not repatriated, the Force Commander shall immediately inform the Republic of Guinea Bissau, giving such particulars as may be required.

The Force Commander shall similarly inform the Republic of Guinea Bissau of any member of ECOMOG who has absented himself for more than twenty-one days.

In either of the above two instances, ECOMOG shall ensure, with the assistance of the Republic of Guinea Bissau, that such member of ECOMOG is apprehended and repartiated to the Participating State concerned at the expense of

ECOMOG or of his State of origin. If an expulsion order against an ex-member of ECOMOG has been made, the Force Commander shall be responsible for ensuring that the person concerned shall be received within the territory of the Participating State concerned.

Uniform and Arms

14. Military members of ECOMOG operations shall wear, while performing official duties, the national military or police uniform of their respective States with standard ECOMOG accoutrements. The wearing of civilian dress by the above-mentioned members of ECOMOG may be authorised by any of the Special Representatives or the Force Commander at other times. Military members of ECOMOG and such civilian personnel as may be designated by the Force Commander may possess and carry arms while on duty in accordance with their functions. No civilian personnel of ECOMOG shall be allowed to carry arms except where authorised by the Force Commander.

Permits and Licences:

15. The Republic of Guinea Bissau agrees to accept as valid, without tax or fee, a permit or licence issued by the Force Commander to any member of ECOMOG except service personnel or any ECOMOG transport or communication equipment, and for the practice of any profession or occupation in connection with the functions of ECOMOG operation.

However, no licence to drive a vehicle or pilot an aircraft shall be issued to any person who is not already in possession of an appropriate and valid licence.

Military Police, Arrest and Transfer of Custody, Prosecution and Mutual Assistance

16. The Force Commander shall take all appropriate measures to ensure the maintenance of discipline and good order among members of ECOMOG as well as service personnel.

To this end, personnel designated by the Force Commander shall police the premises of ECOMOG operations and such areas where its members are deployed.

Such personnel shall be employed only subject to arrangements, and in consultation with the Republic of Guinea Bissau, if necessary, to maintain discipline and order among members of ECOMOG.

17. The military police of ECOMOG shall have the power of arrest over the military members of ECOMOG. Military personnel placed under arrest outside their own contingent areas shall be transferred to their contingent's Commander for appropriate disciplinary action. The personnel mentioned in the present paragraph may also take into custody any other person on the premises of ECOMOG. Such other person shall be delivered immediately to the nearest appropriate government official for the purpose of dealing with any offence or disturbance on such premises.

18. Subject to the provisions of paragraphs 16 and 17 above, the Republic of Guinea Bissau may take into custody any member of ECOMOG:

(a) When so requested by the Force Commander; or

(b) When such a member of ECOMOG is apprehended in the commission or attempted commission of a criminal

offence; such person shall be delivered immediately, together with any weapons or other item seized, to the nearest appropriate representative of ECOMOG, whereafter the provisions of paragraph 24 of this Article shall apply mutatis mutandis.

19. When a person is taken into custody under paragraph 17 or paragraph 18(b) of this Article, ECOMOG or the Republic of Guinea Bissau, as the case may be, may make a preliminary interrogration but may not delay the transfer of custody. Following such transfer, the person concerned shall be made available upon request to the arresting authority for further interrogation in the presence of a representative of the Force Commander.

20. ECOMOG and the Republic of Guinea Bissau shall assist each other in carrying out all necessary investigations into offences in respect of which either or both have an interest, in the production of witnesses, and in the collection and production of evidence, including the seizure of, and, if appropriate, the handing over of items connected with an offence.

The handing over of any such items may be made subject to their return within the terms specified by the authority delivering them. Each shall notify the other of the disposition of any case, in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraph 17, 18 and 19 of this Article.

21. The Republic of Guinea Bissau shall ensure the prosecution of persons subject of its criminal jurisdiction who are accused of acts in relation to ECOMOG or its members which, if

committed by government forces, would have rendered such acts liable to prosecution.

Jurisdiction:

The following arrangements respecting criminal and civil jurisdiction are made having regard to the special functions of ECOMOG and to the interest of ECOWAS and not for the personal benefit of the members of ECOMOG.

22. Subject to paragraph 26 of this Article, all members of ECOMOG, excluding service personnel, shall be immune from legal process in respect of all utterances and publications, and in respect of all acts performed by them in their official capacity.

Such immunity shall continue even after they cease to be members of ECOMOG and after the expiration of the other provisions of this Agreement.

23. Should the Republic of Guinea Bissau consider that any member of ECOMOG has committed a criminal offence, it shall promptly inform the Force Commander and present to him any evidence available to it.

24. Subject to the provisions of paragraphs 18 and 25 of this Article, members of ECOMOG shall be subject to the exclusive jurisdiction of their respective Participating States in respect of any criminal offences which may be committed by them in the Territory. They shall not be subject to the criminal jurisdiction of the courts of Guinea Bissau.

25. If any member of ECOMOG is apprehended pursuant to paragraph 18 of this Article for violating the criminal laws of Guinea Bissau; or if the Republic of Guinea Bissau considers

that any member of ECOMOG has committed a criminal offence, pursuant to paragraphs 23 and 24 of this Article, the Force Commander shall immediately:

(a) Court-martial in the Territory such a member of ECOMOG in accordance with the criminal laws of his Participating State of origin; or

(b) Repatriate such member of ECOMOG to his State of origin for trial if the Force Commander determines that a court martial in the Territory would be prejudicial to the attainment of justice.

The member of ECOMOG so repatriated shall not be eligible to return to Guinea Bissau as a member of ECOMOG.

The Force Commander shall notify the Republic of Guinea Bissau of the outcome of the trial in both (a) and (b) above. Guinea Bissau undertakes to publish this verdict in the press.

26. If any civil proceeding is instituted against a member of ECOMOG before any court of the Territory, the Special Representative shall be notified immediately, and he shall certify to the court whether or not the proceeding is related to the official duties of such member.

(a) If the Special Representative certifies that the proceeding is related to the official duties, such proceeding shall be discontinued and the provisions of paragraph 1 Article X of this Agreement shall apply.

(b) If the Special Representative certifies that the proceeding is not related to official duties, the proceeding may continue. The Force Commander or

the Special Representative, as the case may be, shall ensure that such member of ECOMOG attends the trial, as assigned by the Court.

If the Force Commander or the Special Representative certifies that a member of ECOMOG is unable, because of official duties or authorised absence from the Territory, to protect his interests in the proceedings, the court shall, at the request of the defendant, suspend the proceeding until the elimination of the disability, but for not more than ninety days.

No personal property of the member of ECOMOG, including wages, shall be exempted from seizure for the satisfaction of judgement, except such property as shall be certified by the Special Representative to be needed by the defendant for the fulfillment of his official duties. The personal liberty of a member of ECOMOG shall not be restricted in the civil proceeding, decision or order, to compel an oath or for any other reason.

Deceased Members

27. The Special Representative or the Force Commander shall have the right to take charge of and dispose of the body of a member of ECOMOG who dies in the Territory, and may dispose of his personal property in accordance with directives issued by the Executive Secretary.

ARTICLE VIII
ECOWAS FLAGS AND VEHICLE MARKINGS

1. The Republic of Guinea Bissau recognises the right of ECOMOG to display within the Territory, the ECOWAS

flag on its headquarters, camps or other premises, vehicles or vessels as decided by the Executive Secretary. Other flags or pennants may be displayed in exceptional cases, subject to prior consultation with the Republic of Guinea Bissau.

2. Vehicles, vessels and aircraft of ECOMOG shall carry a distinct ECOWAS identification which shall be notified to the Republic of Guinea Bissau. All vehicles shall be conspicuously marked and numbered for the purpose of identification.

3. Vessels and aircraft bearing the insignia and flag of ECOWAS shall enjoy safe passage within the Territory.

ARTICLE IX
COMMUNICATIONS

1. ECOMOG shall enjoy the facilities in respect of communications provided for in the Convention only for the purpose of executing its task.

   Issues with respect to communications which may arise and which are not specifically provided for in this Agreement shall be dealt with pursuant to the relevant provisions of the Convention.

2. Subject to the provisions of paragraph 1 above:

   (a) ECOMOG shall have authority to install and operate radio sending and receiving stations as well as satellite systems, to connect appropriate points within the Territory with each other and with ECOWAS, OAU and UN officials in other countries, and to exchange traffic with their communications network.

The telecommunications services shall be operated in accordance with the United Nations International Telecommunications Convention and Regulations and the frequencies on which any such station may be operated shall be decided upon in cooperation with the Republic of Guinea Bissau.

(b) ECOMOG shall enjoy, within the Territory, the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, telegraph, facsimile, electronic or any other means, and of establishing the necessary facilities for maintaining such communications within and between the premises of ECOMOG including the laying of cables and land lines and the repeater stations. The frequencies on which the radio will operate shall be decided upon in consultation with the Republic of Guinea Bissau. It is understood that connections with the local system of telegraphs, telex and telephones shall be made with the consent of the Republic of Guinea Bissau ; it being further understood that the use of the local system of telegraphs, telex and telephones shall be at no cost to ECOMOG.

(c) Mail designated for ECOMOG shall be transported via diplomatic pouches.

(d) Subject to the provisions of this Agreement regarding the privileges of ECOMOG and its personnel so specified, parcels entering the Territory through the regular mailing and courier systems may be subject to the postal laws and regulations of Guinea Bissau.

ARTICLE X

TRAVEL AND TRANSPORT

1. ECOMOG and its members shall enjoy, together with its vehicles, vessels, aircraft and equipment, freedom of movement throughout the Territory. The Special Representatives and the Force Commander shall inform the Republic of Guinea Bissau of planned mass movements of personnel, stores or vehicles through airports, ports or roads used for general traffic within the Territory. The Republic of Guinea Bissau undertakes to supply ECOMOG, where necessary, with maps and other information that may be useful in facilitating its movements.

2. Vehicles, including all military vehicles, vessels and aircraft of ECOMOG shall not be subject to registration or licensing by Guinea Bissau.

3. A mutually satisfactory mechanism for the funding and settlement of Third Party claims shall be agreed upon by the parties to this Agreement.

4. ECOMOG may use roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or charges, including wharfage charges, other than charges for service rendered.

ARTICLE XI
FACILITIES FOR THE ECOMOG OPERATIONS

Premises Required for Conducting the Operational and Administrative Activities of ECOMOG and forAccommodation of Members of the Interposition Force.

1. The Republic of Guinea Bissau shall provide, without cost to ECOMOG and in agreement with the Special Representative and the Force Commander, such areas for headquarters, or other premises as may be necessary for the conduct of the operational and administrative activities of ECOMOG and for the accommodation of its members. Without prejudice to the fact that all such premises remain Guinea Bissau territory, they shall be inviolable and shall be subject to the exclusive control and authority of ECOWAS. Where ECOMOG troops are co-located with any Guinea Bissau military personnel, a permanent, direct and immediate access by ECOMOG to those premises shall be guaranteed.

2. The Republic of Guinea Bissau undertakes to assist ECOMOG in obtaining and making available, where applicable, water, electricity and other facilities free of charge and, in the case of interruption or threatened interruption of service, to give as far as is within its powers the same priority to the needs of the Group as to essential government services. ECOMOG shall be responsible for the maintenance and up-keep of faclities so provided.

3. ECOMOG shall have the right, where necessary, to generate electricity for its use and may transmit and distribute such electricity outside its premises free of charge.

4. Only the Force Commander or a duly authorised official of ECOMOG may consent to the entry of any government official or any other person not a member of the Group to such premises.

Provisions, Services and Sanitary Arrangements

5. The Republic of Guinea Bissau undertakes to assist ECOMOG, as far as possible, in obtaining equipment, provisions, supplies and other goods and services from local sources required for its subsistence and operations.

In making purchases on the local market, ECOMOG shall, on the basis of observations made and information provided by the Republic of Guinea Bissau in that respect, avoid any adverse effect on the local economy. The Republic of Guinea Bissau shall exempt ECOMOG operations from general sales taxes in respect of all local purchases.

6. ECOMOG and the Republic of Guinea Bissau shall cooperate with respect to sanitary services and shall extend to each other the fullest cooperation in matters concerning health, particularly with respect to the control of communicable diseases, in accordance with international Conventions.

Recruitment of Local Personnel

7. ECOMOG may recruit locally such personnel as it requires, having so advised the Government. Upon the request of the Special Representative or the Force Commander, the Republic of Guinea Bissau undertakes to facilitate the recruitment of qualified local staff by ECOMOG and to accelerate the process of such recruitment.

Currency

8. The Republic of Guinea Bissau undertakes to make available to ECOMOG against reimbursement in mutually acceptable currency, local currency required for the use of ECOMOG, including the pay of its members, at the rate of exchange most favourable to ECOMOG.

ARTICLE XII
SETTLEMENT OF DISPUTES

1. Any dispute or claim of a private law character to which ECOMOG or any member thereof is a party and over which the courts of the Territory do not have jurisdiction because of any provision of this Agreement shall be settled by a three-member Standing Claims Commission to be established for that purpose.

One member of the Commission shall be appointed by the ECOWAS Executive Secretary, one member by the Republic of Guinea Bissau, and a Chairman jointly appointed by the Republic of Guinea Bissau and the Executive Secretary. The Chairman shall be a jurist from an African country other than those contributing or which have contributed troops to ECOMOG. If no agreement as to the Chairman is reached within thirty days of the appointment of the first member of the Commission, the President of the International Court of Justice may, at the request of either the Executive Secretary or the Republic of Guinea Bissau, appoint the Chairman. Any vacancy on the Commission shall be filled by the same method prescribed for the original appointment, provided that the thirty-day period therein prescribed shall start as soon as there is a vacancy in the chairmanship.

The Commission shall determine its own procedures, provided that any two members shall constitute a quorum. All decisions shall require the approval of any two members. The awards of the Commission shall be final and binding. The awards of the Commission shall be notified to the parties. The Executive Secretary shall use his best endeavours to ensure compliance.

2. Disputes concerning terms of employment and conditions of service personnel shall be settled by the administrative procedures to be established by the Force Commander in consultation with the Executive Secretary.

3. Subject to the Agreement of the parties for the funding hereof, the Commission shall commence its activities within sixty (60) days as of the date of this agreement.

ARTICLE XIII
SUPPLEMENTARY ARRANGEMENTS

The parties to this Agreement may conclude supplementary arrangements to this Agreement.

ARTICLE XIV
MISCELLANEOUS PROVISIONS

1. Wherever the present Agreement refers to the privileges, immunities and rights of ECOMOG and its members and to the facilities and territory to be provided to ECOMOG and its members, the Republic of Guinea Bissau shall ensure the implementation and fulfillment of such privileges, immunities, rights and facilities.

ARTICLE XV
ENTRY INTO FORCE

This Agreement shall enter into force on the date of signature.

IN FAITH WHEREOF THE UNDERSIGNED, DULY AUTHORISED REPRESENTATIVES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES OF THE ONE PART, AND THE REPUBLIC OF GUINEA BISSAU AND THE SELF-PROCLAIMED MILITARY JUNTA OF THE OTHER PART, HAVE SIGNED THIS AGREEMENT IN NINE ORIGINALS IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES.

DONE AT BISSAU, THIS 22nd DAY OF MARCH 1998

FOR THE ECONOMIC COMMUNITY
OF WEST AFRICAN STATES

.....
LANSANA KOUYATE
EXECUTIVE SECRETARY

FOR THE REPUBLIC OF GUINEA BISSAU

.....
MR. JOAO GOMES CARDOSO
REPRESENTING THE PRESIDENT
OF GUINEA BISSAU

.....
LT. COL EMILIO COSTA
REPRESENTING THE SELF
PROCLAIMED MILITARY
JUNTA

UNITED
NATIONS

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General Assembly
Security Council

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GENERAL

A/53/917
S/1999/446
20 April 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 64
MAINTENANCE OF INTERNATIONAL SECURITY - PREVENTION OF THE VIOLENT DISINTEGRATION OF STATES

SECURITY COUNCIL
Fifty-fourth year

Letter dated 19 April 1999 from the Permanent Representative of Guyana to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a copy of a press release that was issued by the Government of Guyana on 13 April 1999 concerning the situation in Kosovo.

I should be grateful if you would circulate this letter and its annex as a document of the General Assembly, under agenda item 64, and of the Security Council.

(Signed) S. R. INSANALLY
Ambassador
Permanent Representative of Guyana
to the United Nations

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ANNEX

Press release issued by the Government of Guyana on 13 April 1999 concerning the situation in Kosovo

The tragic situation in Kosovo remains a cause for serious concern within the international community.

The Government of Guyana strongly condemns the policy and practice of ethnic division which, in this instance, has resulted in the massive displacement and horrendous suffering of several hundreds of thousands of innocent civilians. We join other peace-loving States in calling for an end to the violent conflict and a return to peace and the orderly development of this strife-torn region. We encourage the relief efforts now under way to assist the victims of the violence and hope that some degree of normalcy will be restored to their lives in the future.

As a Member of the United Nations, Guyana profoundly regrets the unilateral resort to force in the attempt to resolve the conflict. Accordingly, it urges the cessation of hostilities, the early resettlement of all displaced persons and refugees and a renewal of diplomatic efforts under the auspices of the Security Council to find a peaceful solution based on the purposes and principles of the Charter of the United Nations and the desires of the peoples in the region.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/447
20 April 1999
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 20 APRIL 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 20 April 1999 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq. The Minister calls attention to the violation of Iraq's airspace by United States and British aircraft based in Saudi Arabia and Kuwait and to the fact that, in the course of their attacks on Iraq, such aircraft have dropped fuel tanks on populated areas, killing a number of Iraqi civilians and damaging a number of dwellings. He calls upon the United Nations to meet its responsibilities in relation to the ongoing blatant aggression being committed by two States that are permanent members of the Security Council.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Identical letters dated 20 April 1999 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General and to the President of the Security Council

I have to inform you that United States and British aircraft based in Saudi Arabia and Kuwait have violated the national airspace of the Republic of Iraq in Qadisiyah Governorate in the south of the country. They dropped a fuel tank in an open agricultural area 3 kilometres from the village of Kufiyayah in Afak district, killing a number of innocent civilians. The aircraft dropped two more fuel tanks in the village of Al Sibahi in the same district, damaging a number of dwellings belonging to residents.

Such criminal aggression against peaceable areas, which is an extension of the continuing military actions being carried out by the United States and the United Kingdom against a steadfast Iraq, has come to constitute an established policy for these two States and one pursued with a view to achieving their political objectives of impairing Iraq's sovereignty, independence and territorial integrity, terrorizing its peaceable people and openly interfering in its internal affairs in violation of all relevant international covenants and conventions.

In the light of the basic responsibilities assigned to the Organization by the Charter of the United Nations, and in particular of the Security Council's responsibility for the maintenance of international peace and security, we call your attention to the fact that this brutal aggression against Iraq and against peaceable Iraqi citizens constitutes a flagrant violation of international law. This is a matter that cannot be overlooked or ignored by the Security Council or by the Secretary-General of the United Nations, particularly when those who commit such depredations are States that are permanent members of the Security Council such as those to which the Charter has assigned special responsibility for the maintenance of international peace and security. Such flagrant violation on their part therefore undermines and destroys the collective security system enshrined in the Charter and deprives the Organization of any credibility owing to the ongoing aggression and human suffering that afflict many of the world's countries and peoples, including Iraq and its embattled people.

I should further like to state that Iraq reserves in full its right to take whatever measures are necessary to defend its territorial integrity and the security of its people as well as to seek compensation, in accordance with the principle of State responsibility, for all the damage done to it in terms of human, material and other losses by actions that are in violation of the Charter and the norms of international law. Iraq holds the United States and British aggressors responsible for their cowardly actions against its people, and it will continue to defy the no-flight zones imposed by brute force in the north and south of the country.

I request you to have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/448
20 April 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 12 APRIL 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to article 12, paragraph 4, of the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, which reads:

> "In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned."

In this connection, I should like to inform you that Judge Dionysius Kondylis of Greece, has resigned as a Judge of the Trial Chambers of the Tribunal, effective 22 March 1999.

With a view to replacing Judge Kondylis, I have reviewed the list of candidates for election to the Trial Chambers of the Tribunal which was established by the Security Council in its resolution 1200 (1998) of 30 September 1998 and which was transmitted to the General Assembly in connection with the elections which were held on 3 November 1998, and have come to the view that Judge Kondylis should be replaced by Mr. Asoka de Zoysa Gunawardena of Sri Lanka, whose name was included in that list. Please find his curriculum vitae attached.

It is my view that Mr. Gunawardena meets the qualifications which are prescribed in article 12, paragraph 1, of the statute of the Tribunal. I also consider that his appointment would be well calculated to ensure adequate representation on the Tribunal of the principal legal systems of the world, as contemplated in article 12, paragraph 3 (c), of the statute, and would, moreover, ensure the representation of all geographical regions on the bench. I would also note that, discounting the nine candidates who were successful in the elections of 3 November 1998, Mr. Gunawardena obtained the highest number of votes in the first, second and third rounds of the five rounds of balloting.

I should, therefore, like to consult you on the appointment of Mr. Gunawardena, in accordance with article 12, paragraph 4, of the statute of the Tribunal.

I look forward to receiving your views on this matter at the earliest available opportunity, since I am eager that Judge Kondylis's replacement should take up office as soon as possible and, in any event, by 31 May 1999, when it is planned that the two newly elected Judges of the Tribunal who have yet to commence their terms of office will make the solemn declaration required by the Tribunal's Rules of Procedure and Evidence and so enter upon their duties.

(Signed) Kofi A. ANNAN

Annex

Asoka de Zoysa GUNAWARDENA
(Sri Lanka)

Designation: Judge of the Supreme Court of Sri Lanka.

Address: 50/2 B, Siripa Road, Colombo 5, Sri Lanka.

Date of birth: 6 August 1942.

Professional qualifications

Barrister-at-Law of the High Court of Australia and the Supreme Court of New South Wales (enrolled on 2 November 1984).

Advocate (Attorney-at-Law) of the Supreme Court of Sri Lanka (enrolled on 12 June 1967). Passed the preliminary and the intermediate examinations for the admission of advocates with first class honours and was awarded the scholarships at both examinations.

Academic qualifications

LL.B., University of Ceylon, Colombo (1969).

Ph.D., University of Sydney, Australia (1986). Thesis topic: "Some aspects of the law governing international investments: third world perspectives". In addition, a comparative study of investment laws of Singapore, Sri Lanka, Saudi Arabia, Nigeria and Mexico was also undertaken.

Awarded Diploma in Human Rights by Raoul Wallenberg Institute, University of Lund, Sweden (1993).

Professional experience

Called to the Sri Lanka Bar in June 1967. After practising at the private Bar until January 1972, joined the Attorney-General's Department as a Crown Counsel. Functioned in both civil and criminal branches of the Department. Appeared for the Crown and later for the State in both civil and criminal cases, in the Primary as well as in the Appellate Courts. Appearance in criminal cases included the framing of indictments and the conduct of prosecutions in more than 1,500 cases, in the High Court, in capital offences such as murder, attempted murder, rape and robbery. Giving legal advice to the government departments and agencies in both civil and criminal matters was also part of the functions.

Led the prosecution team in the Chandrasekera Dias murder trial before the High Court, involving the death of a Sri Lankan United Nations expert.

Promoted to Senior State Counsel in 1978. The additional duties of this office included supervision of work of several State Counsel.

Appointed Deputy Solicitor-General in February 1986. In 1986, conducted prosecutions before the Special Presidential Commission, appointed to inquire into corruption, misuse and abuse of power by ministers, members of Parliament and other high-ranking public officers.

Appointed Judge of the Court of Appeal of Sri Lanka on 21 March 1988. The work of this Court involves the hearing of appeals from all original Courts and Tribunals, such as the High Court, District Court, Magistrate's Court, Primary Court, Labour Tribunal, Agricultural Tribunal and such other institutions. It also exercises writ jurisdiction in the nature of habeas corpus, Certiorari, prohibition, mandamus and quo warranto.

Academic activities

Publications

Invited to address the American Society of International Law (ASIL) at the eighty-sixth annual meeting (1992) as a panellist on the topic "Bilateral investment treaties". Published in the Proceedings of the eighty-sixth annual meeting of ASIL, pp. 544-550.

Presented paper on "The role of arbitration in the settlement of disputes in the Asia-Pacific Region" at the Law Association for Asia and the Pacific (LAWASIA) Conference (September 1993). Published in Proceedings of the Conference.

Tutor at the 1993 session on "Peace and human rights" at the Institute of International Public Law and International Relations of Aristotle University, Thessaloniki, Greece, and delivered a lecture on "The right of self-determination: a challenge to the concept of national sovereignty?". Published in Thesaurus Acroasium, 1993.

An Asian perspective of human rights. Singapore journal of legal studies, December 1994, pp. 521-530.

Presented a paper entitled "The spread of child abuse: a real danger to children's rights and health" and presided over the judicial sessions at the fourteenth LAWASIA Conference, Beijing, August 1995. Published in the Proceedings of the Conference.

Tutor at the 1995 sessions on "International justice" at the Institute of International Public Law and International Relations of Aristotle University, Thessaloniki, Greece, and delivered a lecture on "The Security Council and the International Court of Justice: are they in conflict or in concourse?". To be published in Thesaurus Acroasium, 1995.

Participation in conferences

Eighty-seventh annual meeting (1993) of the American Society of International Law and took part in the panel discussion on "New trends in international dispute settlement" and "The United Nations: meeting the challenges of the post-cold war world". Proceedings of the eighty-seventh annual meeting of ASIL, pp. 14-15 and 193.

Workshops at the Second Amsterdam International Law Conference on Peoples and Minorities in International Law, 18-20 June 1992.

Presented a paper on "Growth and significance of bilateral investment treaties with special reference to Sri Lanka" at a seminar on "Investment opportunities and laws relating to investor protection", organized by the Association of Persons of the Legal Communities of the SAARC Countries (SAARCLAW) (Sri Lanka), 11-12 July 1992.

Participated as a Sri Lankan Specialist and chaired the panel discussion on "Settlement of commercial disputes" at a seminar organized by the United Nations Commission on International Trade Law (UNCITRAL), Sri Lanka, 9-11 January 1993.

Fifth SAARCLAW Conference, Dhaka, Bangladesh, 27-29 December 1996; presided over the session on "Abuse of women and children: the legal response".

Panellist at the ninety-first annual meeting of the American Society of International Law, 9-12 April 1997, at the panel discussion on "The United Nations Convention on the Rights of the Child".

Appointments

Member of the Panel of Arbitrators of the International Centre for Settlement of Investment Disputes, Washington, D.C.

Sometime Visiting Lecturer and Examiner, University of Colombo, in a diploma course in international trade law.

Sometime examiner for the Ph.D. (Law) degree of the University of Colombo.

UNITED NATIONS **S**

Security Council

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GENERAL

S/1999/449
20 April 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 20 APRIL 1999 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 12 April 1999 (S/1999/448) concerning the composition of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 has been brought to the attention of the members of the Council. Having consulted those members, I support your decision to appoint Judge Asoka de Zoysa Gunawardena as a member of the Tribunal.

(Signed) Alain DEJAMMET
President of the Security Council

99-11327 (E) 200499 200499

UNITED NATIONS **S**

Security Council

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GENERAL

S/1999/450
20 April 1999
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 20 APRIL 1999 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith the Arabic and English texts of the Peace Agreement for the Great Lakes Region, signed at Sirte, Libyan Arab Jamahiriya, on 18 April 1999 by: His Excellency Mr. Yoweri Kaguta Museveni, President of the Republic of Uganda; His Excellency Mr. Laurent-Désiré Kabila, President of the Democratic Republic of the Congo; His Excellency Mr. Idriss Deby, President of the Republic of Chad; His Excellency Mr. Isaias Afwerki, President of the State of Eritrea; and Leader of the Revolution Colonel Muammar Al-Qadhafi, coordinator of the peace process in the Great Lakes region.

I further have the honour to inform you that it has been decided to deploy ceasefire monitors from Liberia, the Libyan Arab Jamahiriya and Zambia.

As they express the hope that it will end the ongoing conflicts in the Great Lakes region and that it will bring stability and achieve peace, given that the situation in the region is of major concern to the United Nations, the signatories to the Agreement seek support for the implementation of the Agreement and the achievement of the desired objective.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Abuzed Omar DORDA
Permanent Representative

Annex

[Original: Arabic and English]

Peace agreement

On the basis of the O.A.U. Charter , of the first Cairo Summit in 1964 calling to respect the pre – independence terms,

In view of the military operations in the Great Lakes region leading to the destabilization of peace and security within various states ,

opening the door before foreign interventions , which hinder the aims of the Continent towards development and integration ,

Out of Sirte mini- Summit on 30/09/1998 relative to the current conflict on the Great Lakes region,

Confirming the Lusaka Summit held from 13 to 16/ 01/1999 , the preceding meetings and the achieved results aimed at finding a lasting peaceful solution to the conflict in C.D.R,

Realizing the tragedies of the awful massacres as a result of the armed strife in the region ,

The signatories to this agreement have decided the following :-

1- Affirm the security and integrity of the political borders of all states.
2- Immediate cessation of hostilities to pave the way for dialogue and peaceful solution.
3- Deployment of neutral african peace keeping forces in the area where there are troops of Uganda ,Rwanda and Burundi inside the C.D.R.
4- Withdrawal of ugandan and rwandans troops will be timed with the arrival of the African peace forces.
5- The signatories to this agreement condemn all acts of violence and mass murder, and affirm the need to chase the killers , punish and disarm them .
6- Encourage C.D.R. to initiate a national dialogue for all parties .

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7- Withdrawal of all foreign forces present in the C.D.R. as soon as peace agreement is reached.

8- All parties pledge to refrain from taking actions to overthrow the regime in the C.D.R. .

9- Respect the principle of non interference in the internal affairs of countries.

10- Stress the continuity of the leading role of the brother leader as peace coordinator in the Great Lakes region , in creating the climate and mechanism and to liaise with President Shiloba and to accelerate the process of peace .

Done in Sirte on 18 / 04 / 1429 (1999).

H.E Yowere Kaguta Moseveni
President of Republic of Uganda

H.E. Idriss Deby
President of Republic of Tchad

H.E Issaias Afeworki
President of State of Eritrea

H.E. Laurant desire Kabila
President of the Democratic Republic of Congo

Col. Mummar El Gaddafi
Leader of Great El – Fateh Revolution
and Co-ordinator of Peace Process in the Great Lakes

UNITED NATIONS **S**

Security Council

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S/1999/451
21 April 1999

ORIGINAL: ENGLISH

LETTER DATED 9 APRIL 1999 FROM THE PERMANENT REPRESENTATIVE OF SOUTH AFRICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL*

I have the honour to request that the appended statement on the situation in Kosovo, Federal Republic of Yugoslavia, which was issued on behalf of the Movement of Non-Aligned Countries on 9 April 1999, be circulated as a document of the Security Council.

(Signed) D. S. KUMALO
Permanent Representative
of South Africa
to the United Nations

* Circulated to the members of the Security Council on 9 April 1999.

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Annex

Statement on the situation in Kosovo, Federal Republic of Yugoslavia, issued on 9 April 1999 by the Movement of Non-Aligned Countries

The Non-Aligned Movement, reaffirming the Movement's commitment to the sovereignty, territorial integrity and political independence of all States, and reaffirming the Non-Aligned Movement's principles and the sanctity of the Charter of the United Nations, is deeply alarmed at the worsening crisis in Kosovo, Federal Republic of Yugoslavia, and the Balkan region.

The Non-Aligned Movement reaffirms that the primary responsibility for the maintenance of international peace and security rests with the United Nations Security Council.

The Non-Aligned Movement is deeply concerned by the deteriorating humanitarian situation in Kosovo, and other parts of the Federal Republic of Yugoslavia, and the displacement, both internal and to neighbouring countries, of vast numbers of the Kosovo civilian population. In this regard, the Non-Aligned Movement urges the Secretary-General to intensify the role of the United Nations in alleviating the suffering of the displaced persons and refugees who are fleeing Kosovo, and to investigate all abuses of human rights.

The Non-Aligned Movement calls for an immediate cessation of all hostilities, and the swift and safe return of all refugees and displaced persons.

The Non-Aligned Movement firmly believes that the urgent resumption of diplomatic efforts, under the auspices of the United Nations and the relevant Security Council resolutions, 1199 (1998) and 1203 (1998), constitutes the only basis for a peaceful, just and equitable solution to the conflict.

UNITED NATIONS **S**

Security Council

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S/1999/452
21 April 1999

ORIGINAL: ENGLISH

LETTER DATED 20 APRIL 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have been instructed by my Government to inform you that the Republic of Albania has committed serious border incidents on the Yugoslav-Albanian border in a continuous and premeditated way, directly threatening the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the security of the State border.

The most recent incident occurred on 15 April 1999, at 9.15 p.m., when individual fire (7-8 bullets) was opened on the border authorities of the Army of Yugoslavia who secure the State border from the direction of border stone A 2-7 in the area of the border post "Danilo Jaukovic" (border unit of Podgorica) from a distance of about 1,000 metres from the border line. The border authorities of Yugoslavia returned the fire, whereupon armed persons on the Albanian side of the border retreated in the direction of the village of Kusaj in the territory of the Republic of Albania. The incident passed without consequences for the border authorities of the Army of Yugoslavia.

By this act, the Albanian side committed a border incident under article 2, paragraph 1, under "a", "g" and "j" of the agreement between the Governments of the two countries on measures to prevent and solve incidents at the Yugoslav-Albanian border, concluded in Tirana on 27 June 1978. The incident represents a most flagrant form of violation of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the security of the State border.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-11461 (E) 210499

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/453
21 April 1999

ORIGINAL: ENGLISH

LETTER DATED 20 APRIL 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have been instructed by my Government to inform you that, in addition to committing an armed aggression against the Federal Republic of Yugoslavia, the United States of America has been in constant breach of the arms and military equipment embargo established by Security Council resolution 1160 (1998).

The Government of the United States of America maintains continuous contacts with the terrorist Kosovo Liberation Army, conducts training of its terrorists, finances and, via Albania, clandestinely despatches terrorist groups to Kosovo and Metohija. United States officials secretly meet Kosovo Liberation Army terrorists, and at one such meeting at the beginning of April discussed the modalities for delivering anti-tank missiles and other weapons for terrorist activities in the Federal Republic of Yugoslavia. United States high-ranking officials make public statements on their contacts with Kosovo Liberation Army members, while United States citizens of Albanian origin are transported by the United States Air Force aircraft to Albania to join the Kosovo Liberation Army, and the operation is carried openly by the media.

By its actions, the United States of America has flagrantly violated Security Council resolutions banning shipment of arms and military equipment to terrorists, preventing training of terrorists for activities in Kosovo and Metohija and raising money for those purposes.

The wanton flouting of the decisions of the Security Council by the Government of the United States of America and its open support for separatism and terrorism is tell-tale proof of its disdain for the Charter of the United Nations and the violation of international law. At the same time, it renders outright support to the NATO aggression against the Federal Republic of Yugoslavia and constitutes an escalation of the conflict, threatening peace not only in the region, but in Europe at large.

Upon the instruction of my Government, and bearing in mind the gross violation of the said resolution of the Security Council by the United States of America, I have the honour to request an urgent convening of a meeting of the

Security Council to condemn the United States of America for the violation of the arms embargo and to demand an immediate cessation of those activities.

I would be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.